

**IN UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA  
Civil Division**

**UNITED STATES OF AMERICA  
AND THE STATE OF NEVADA *ex rel.*  
MARY KAYE WELCH**

**Plaintiffs,**

**V.**

**MY LEFT FOOT CHILDREN'S  
THERAPY, LLC. ET AL.**

**Civil Action No. 2:14-cv-01786-MMD-  
GWF**

### Defendants.

## PROPOSED JOINT DISCOVERY PLAN AND SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 26(f), on November 10, 2015, the Parties met and conferred regarding the instant Proposed Joint Discovery Plan and Scheduling Order. The Parties agree to the following schedule and proposed deadlines, with one qualification: if the Court has not entered an Order on Defendants' Motion to Compel Arbitration and Stay Action by February 8, 2016, the below dates will be modified with initial disclosures to be due fourteen (14) days after entry of an Order on Defendants' Motion to Compel Arbitration and Stay Action and the remaining dates will flow from that date (in such event the Parties will meet and confer to file an amended proposed joint discovery plan and scheduling order).

The Parties proposed dates are as follows:

1. Initial Disclosures. Last day to exchange Fed. R. Civ. P. 26(a)(1) Initial Disclosures:

Monday, February 8, 2016.

2. Amendment of Pleadings. Last day to amend pleadings pursuant to Fed. R. Civ. P. 15: Monday, June 6, 2016.
3. Discovery Motions. Last day to file motions regarding fact discovery: Monday, October 31, 2016.
4. Dispositive Motions. Last day to file dispositive motions: Friday, April 7, 2017
5. Discovery Plan.
  - a. Last Day to Complete Fact Discovery: Monday, October 31, 2016.
  - b. Scope/Subjects of Discovery: The Parties intend to conduct discovery relevant to proving claims and defenses under the False Claims Act, Nevada False Claims Act related to the alleged submission of false claims under the alleged False Claims Acts, including falsity and scienter, and damages. A significant portion of discovery will be focused on the clinical assessment of patients who received services and were certified for eligibility. The assessment will involve medical record review and other clinically related evidence.
  - c. Types of Discovery: The Parties intend to serve interrogatories, document requests and/or requests for admissions. The Parties agree that up to 15 non-party depositions may be necessary for each side, exclusive of expert witnesses.
  - d. Limits on Discovery: The Parties are not requesting any other limitations on discovery, besides those prescribed by the local rules of this Court and the Federal Rules of Civil Procedure.

Protective Order: The Parties intend to propose a Protective Order to address issues related to patient privacy and proprietary information. All dates are subject to the parties being

able to work out a suitable protective order including, but not limited to resolving issues related to PHI and ePHI.

e.

- f. ESI/Privilege: The Parties have conferred regarding discovery of electronically stored information. The parties agree to produce ESI in a concordance load file with associated TIFF images and meta-data preserved and a claw-back provision. The parties will agree to a more formal written procedure for ESI.

The Parties do not at this time anticipate any unusual issues concerning the assertion of privileges and intend to prepare a Fed. R. Evid. 502 Order.

6. Expert Discovery.

- a. Last day to designate Plaintiff's experts and submit experts' reports: December 2, 2016.
- b. Last day to designate Defendant's Experts and submit experts' reports: Friday, January 6, 2017.
- c. Last day to designate Plaintiffs' and Defendants' rebuttal experts and submit experts' reports: Friday, February 3, 2017.
- d. Last day to complete expert discovery: March 3, 2017.

7. Pre-Trial Order.

- a. Last date to file if no dispositive motions are filed: Monday, June 12, 2017.
- b. Last date to file if dispositive motions are filed: 30 days after order resolving last dispositive motion.

8. Trial.

- a. Plaintiffs have requested a jury trial in their Complaint.

- b. Estimated length of trial: Trial may last at least one to two weeks. This estimate is based on the number of fact witnesses and expert witnesses expected to be called by both sides and the scope of issues to be addressed.
- c. Proposed trial date: After September 1, 2017.

The Parties, respectfully and jointly, request the Court to enter their SCHEDULING ORDER in conformity with the dates proposed herein.

Respectfully submitted,

By: /s/ L. Timothy Terry

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this the 18th day of November, 2015, the foregoing was filed via ECF/CMS and served via first class mail upon:

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